

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-182(2)-LJV-JJM
DECISION & ORDER

MICHAEL PRYOR,

Defendant.

1. On March 13, 2024, the defendant, Michael Pryor, pleaded guilty to a portion of Count 1 of the indictment charging a violation of Title 21, United States Code, Section 846 (narcotics conspiracy),¹ and to Count 14 of the indictment charging a violation of Title 21, United States Code, Section 860(a) (distribution of fentanyl within 1,000 feet of public housing property). Docket Item 160.

2. On March 13, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's pleas of guilty be accepted and that the defendant be adjudged guilty. Docket Item 162.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

¹ Pryor pleaded guilty only to the portion of Count 1 alleging that he conspired to possess with intent to distribute and conspired to distribute cocaine and cocaine base.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 162), the plea agreement (Docket Item 160), the indictment (Docket Item 48), a transcript of the plea proceeding (Docket Item 177), and the applicable law. Based on that review, this Court conducted a subsequent plea colloquy on July 1, 2024.


5. With the addition of this Court's subsequent plea colloquy, the Court adopts Judge McCarthy's recommendation that the defendant's pleas of guilty be accepted and that the defendant be adjudged guilty of the portion of Count 1 of the indictment charging him with conspiracy to possess with intent to distribute, and to distribute, cocaine and cocaine base, and to Count 14 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's March 13, 2024 Report & Recommendation, Docket Item 162, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's pleas of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Michael Pryor, is now adjudged guilty under Title 21, United States Code, Section 846, and Title 21, United States Code, Section 860(a).

SO ORDERED.

Dated: July 2, 2024
Buffalo, New York


LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE